

EXHIBIT C

CAUSE NO. 2019-34964

BILLY JOHNSON,

Plaintiff,

v.

SAN JACINTO COLLEGE,

Defendant.§
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IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

215th JUDICIAL DISTRICT

**DEFENDANT'S ORIGINAL ANSWER AND GENERAL DENIAL TO PLAINTIFF'S
ORIGINAL COMPLAINT**

COMES NOW, Defendant San Jacinto College (the "College"), and files its Original Answer and General Denial to Plaintiff Billy Johnson's Original Complaint.

I. ORIGINAL ANSWER

1. The College asserts this general denial pursuant to Texas Rule of Civil Procedure 92. The College generally denies each and every allegation in Plaintiff's petition and demands strict proof of each and every element thereof.

II. AFFIRMATIVE DEFENSES

2. By way of further answer, the College asserts the following affirmative defenses as authorized by Texas Rule of Civil Procedure 94 and reserves the right to amend its Answer with additional defenses if information obtained through discovery or otherwise merits such additional defenses. In asserting the following defenses, the College does not admit that the burden of proving the allegations or denials contained in the defenses is upon it, but, to the contrary, asserts that the burden of proving the facts relevant to many of the defenses and the burden of proving the inverse of the allegations in many of the defenses rests with Plaintiff.

3. Plaintiff failed to exhaust his administrative remedies with respect to all or portions of the claims in his Complaint.

4. Plaintiff's claims are barred by the applicable statutes of limitation.

5. Any act or omission of the College of which Plaintiff complains was unrelated to his age or any purportedly protected activity.

6. The College affirmatively asserts that it had legitimate, non-discriminatory and non-retaliatory reasons for any adverse action of which Plaintiff complains.

7. The College affirmatively pleads that, in the event a factfinder were to determine that its actions were motivated by an illegal factor, it would have acted in the same manner even in the absence of such factor.

8. The College affirmatively pleads that Plaintiff voluntarily retired.

9. The College asserts that Plaintiff's recovery, if any, should be limited to the extent he failed to mitigate his damages.

10. The College affirmatively pleads that Plaintiff's interim earnings from replacement employment, unemployment compensation, or other forms of income should be subtracted from any award of damages or equitable relief.

11. The College affirmatively pleads that Plaintiff's compensatory damages, if any, are limited by the cap contained in Texas Labor Code § 21.2585(d).

12. The College affirmatively pleads the statutory damages limitations including those set forth in Texas Labor Code § 21.2585.

13. The College asserts that Plaintiff's claims are barred by any other defense which constitutes an avoidance or affirmative defense.

III. CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant San Jacinto College prays that upon hearing, this Court enter a judgment by which Plaintiff takes nothing by his claims. The College further prays that this Court grant all such other and further relief, both general and special, at law or in equity, to which it may show itself to be justly entitled.

Respectfully submitted,

THOMPSON & HORTON LLP

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**ATTORNEYS FOR DEFENDANT
SAN JACINTO COLLEGE**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Plaintiff's counsel via the Court's electronic filing system on this 12th day of July, 2019.

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